

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Oct 21, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER P.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

NO: 1:22-CV-3048-RMP

ORDER GRANTING PARTIES'  
STIPULATED MOTION TO REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 12. Plaintiff Christopher P.<sup>1</sup> is represented by attorney D. James Tree. The Commissioner of Social Security is represented by Special Assistant United States Attorney Edmund Darcher.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 12**, is **GRANTED**. Pursuant to the parties'

<sup>1</sup> The Court uses Plaintiff's first name and last initial to protect his privacy.

stipulation, the Commissioner's final decision is **reversed and remanded** for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand the Commissioner will instruct the Administrative Law Judge ("ALJ") to offer Plaintiff a new hearing, take any action needed to complete the administrative record, and issue a new decision. *See* ECF No. 12 at 1–2. The ALJ will give further consideration to Plaintiff's osteoarthritis of the right knee. *See id.* The ALJ will reconsider Plaintiff's subjective allegations. *See id.* The ALJ will reconsider Plaintiff's residual functional capacity, as necessary. *See id.*

Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §§ 1920, 2412(d).

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 11, is **DENIED AS MOOT**.

**IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order and provide copies to counsel, enter judgment in favor of Plaintiff, and **close the file.**

**DATED** October 21, 2022.

*s/ Rosanna Malouf Peterson*  
ROSANNA MALOUF PETERSON  
Senior United States District Judge